

MERCHANT & GOULD P.C.

United States Patent Application

**COMBINED DECLARATION AND POWER OF ATTORNEY**

I, the below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FOOD PRODUCT WITH ENHANCED CRISPINESS**

The specification of which

- a. ☐ is attached hereto  
 b. ☒ was filed on October 24, 2000 as application serial no. 09/694,927 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.  
 Ali, M. Jeffer  
 Anderson, Gregg I.  
 Batzli, Brian H.  
 Beard, John L.  
 Berns, John M.  
 Black, Bruce E.  
 Branch, John W.  
 Bremer, Dennis C.  
 Bruess, Steven C.  
 Byrne, Linda M.  
 Campbell, Keith  
 Carlson, Alan G.  
 Caspers, Philip P.  
 Chiapetta, James R.  
 Clifford, John A.  
 Coldren, Richard J.  
 Daignault, Ronald A.  
 Daley, Dennis R.  
 Dalglish, Leslie E.  
 Daulton, Julie R.  
 DeVries Smith, Katherine M.  
 DiPietro, Mark J.  
 Edell, Robert T.  
 Epp Ryan, Sandra  
 Glance, Robert J.  
 Goggin, Matthew J.  
 Golla, Charles E.  
 Gorman, Alan G.  
 Gould, John D.  
 Gregson, Richard  
 Gresens, John J.  
 Hamer, Samuel A.  
 Hamre, Curtis B.  
 Harrison, Kevin C.  
 Hertzberg, Brett A.  
 Hillson, Randall A.  
 Holzer, Jr., Richard J.  
 Johnston, Scott W.  
 Kadievitch, Natalie D.  
 Karjeker, Shaikat  
 Kastelic, Joseph M.  
 Kettelberger, Denise  
 Keys, Jeramie J.  
 Knearl, Homer L.  
 Kowalchyk, Alan W.  
 Kowalchyk, Katherine M.  
 Lacy, Paul E.  
 Larson, James A.

Reg. No. 40,481  
 Reg. No. 46,359  
 Reg. No. 28,828  
 Reg. No. 32,960  
 Reg. No. 27,612  
 Reg. No. 43,496  
 Reg. No. 41,622  
 Reg. No. 41,633  
 Reg. No. 40,528  
 Reg. No. 34,130  
 Reg. No. 32,404  
 Reg. No. P-46,597  
 Reg. No. 25,959  
 Reg. No. 33,227  
 Reg. No. 39,634  
 Reg. No. 30,247  
 Reg. No. 44,084  
 Reg. No. 25,968  
 Reg. No. 34,994  
 Reg. No. 40,579  
 Reg. No. 36,414  
 Reg. No. 42,157  
 Reg. No. 28,707  
 Reg. No. 20,187  
 Reg. No. 39,667  
 Reg. No. 40,620  
 Reg. No. 44,125  
 Reg. No. 26,896  
 Reg. No. 38,472  
 Reg. No. 18,223  
 Reg. No. 41,804  
 Reg. No. 33,112  
 Reg. No. 46,754  
 Reg. No. 29,165  
 Reg. No. P-46,759  
 Reg. No. 42,660  
 Reg. No. 31,838  
 Reg. No. 42,668  
 Reg. No. 39,721  
 Reg. No. 34,196  
 Reg. No. 34,049  
 Reg. No. 37,160  
 Reg. No. 33,924  
 Reg. No. 42,724  
 Reg. No. 21,197  
 Reg. No. 31,535  
 Reg. No. 36,848  
 Reg. No. 38,946  
 Reg. No. 40,443



Leon, Andrew J.  
 Leonard, Christopher J.  
 Lepa, Mara E.  
 Lindquist, Timothy A.  
 Lycke, Lawrence E.  
 McAuley, Steven A.  
 McDonald, Daniel W.  
 McIntyre, Jr., William F.  
 Mitchem, M. Todd  
 Mueller, Douglas P.  
 Nichols, A. Shane  
 Pauly, Daniel M.  
 Phillips, Bryan K.  
 Phillips, John B.  
 Plunkett, Theodore  
 Prendergast, Paul  
 Pytel, Melissa J.  
 Qualey, Terry  
 Reich, John C.  
 Reiland, Earl D.  
 Samuels, Lisa A.  
 Schmaltz, David G.  
 Schuman, Mark D.  
 Schumann, Michael D.  
 Scull, Timothy B.  
 Sebal, Gregory A.  
 Skoog, Mark T.  
 Spellman, Steven J.  
 Stoll-DeBell, Kirstin L.  
 Sumner, John P.  
 Swenson, Erik G.  
 Tellekson, David K.  
 Trembath, Jon R.  
 Tuchman, Ido  
 Underhill, Albert L.  
 Vandeburgh, J. Derek  
 Wahl, John R.  
 Weaver, Karrie G.  
 Welter, Paul A.  
 Whipps, Brian  
 Whitaker, John E.  
 Wickhem, J. Scot  
 Williams, Douglas J.  
 Withers, James D.  
 Witt, Jonelle  
 Wu, Tong  
 Xu, Min S.  
 Zeuli, Anthony R.

Reg. No. 46,869  
 Reg. No. 41,940  
 Reg. No. 40,066  
 Reg. No. 40,701  
 Reg. No. 38,540  
 Reg. No. 46,084  
 Reg. No. 32,044  
 Reg. No. 44,921  
 Reg. No. 40,731  
 Reg. No. 30,300  
 Reg. No. 43,836  
 Reg. No. 40,123  
 Reg. No. P-46,990  
 Reg. No. 37,206  
 Reg. No. 37,209  
 Reg. No. 46,068  
 Reg. No. 41,512  
 Reg. No. 25,148  
 Reg. No. 37,703  
 Reg. No. 25,767  
 Reg. No. 43,080  
 Reg. No. 39,828  
 Reg. No. 31,197  
 Reg. No. 30,422  
 Reg. No. 42,137  
 Reg. No. 33,280  
 Reg. No. 40,178  
 Reg. No. 45,124  
 Reg. No. 43,164  
 Reg. No. 29,114  
 Reg. No. 45,147  
 Reg. No. 32,314  
 Reg. No. 38,344  
 Reg. No. 45,924  
 Reg. No. 27,403  
 Reg. No. 32,179  
 Reg. No. 33,044  
 Reg. No. 43,245  
 Reg. No. 20,890  
 Reg. No. 43,261  
 Reg. No. 42,222  
 Reg. No. 41,376  
 Reg. No. 27,054  
 Reg. No. 40,376  
 Reg. No. 41,980  
 Reg. No. 43,361  
 Reg. No. 39,536  
 Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

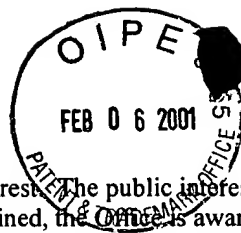
Merchant & Gould P.C.  
 P.O. Box 2903  
 Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	Full Name Of Inventor	Family Name HUANG	First Given Name VICTOR	Second Given Name
	Residence & Citizenship	City MOUNDS VIEW	State or Foreign Country MINNESOTA	Country of Citizenship USA
	Post Office Address	Post Office Address 7309 PARKVIEW DRIVE	City MOUNDS VIEW	State & Zip Code/Country MINNESOTA 55112/USA
Signature of Inventor 201:			Date: Jan. 19, 2001	
2 0 2	Full Name Of Inventor	Family Name PANDA	First Given Name FERN	Second Given Name TALANE
	Residence & Citizenship	City NEW BRIGHTON	State or Foreign Country MINNESOTA	Country of Citizenship USA
	Post Office Address	Post Office Address 1698 17TH AVENUE NW	City NEW BRIGHTON	State & Zip Code/Country MINNESOTA 55112/USA
Signature of Inventor 202:			Date:	
2 0 3	Full Name Of Inventor	Family Name ROSENWALD	First Given Name DIANE	Second Given Name RAE
	Residence & Citizenship	City PLYMOUTH	State or Foreign Country MINNESOTA	Country of Citizenship USA
	Post Office Address	Post Office Address 4255 COTTONWOOD LANE NORTH	City PLYMOUTH	State & Zip Code/Country MINNESOTA 55441/USA
Signature of Inventor 203:			Date:	
2 0 4	Full Name Of Inventor	Family Name CHIDA	First Given Name KAMEL	Second Given Name
	Residence & Citizenship	City EDINA	State or Foreign Country MINNESOTA	Country of Citizenship USA
	Post Office Address	Post Office Address 5205 BIRCHCREST DRIVE	City EDINA	State & Zip Code/Country MINNESOTA 55436/USA
Signature of Inventor 204:			Date:	

**§ 1.56 Duty to disclose information material to patentability.**



(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Albrecht, John W.	Reg. No. 40,481	Leon, Andrew	Reg. No. 46,869
Ali, M. Jeffer	Reg. No. 46,359	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lycke, Lawrence E.	Reg. No. 38,540
Berns, John M.	Reg. No. 43,496	McAuley, Steven A.	Reg. No. 46,084
Black, Bruce E.	Reg. No. 41,622	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. 44,921
Bremer, Dennis C.	Reg. No. 40,528	Mitchem, M. Todd	Reg. No. 40,731
Bruess, Steven C.	Reg. No. 34,130	Mueller, Douglas P.	Reg. No. 30,300
Byrne, Linda M.	Reg. No. 32,404	Nichols, A. Shane	Reg. No. 43,836
Campbell, Keith	Reg. No. P-46,597	Pauly, Daniel M.	Reg. No. 40,123
Carlson, Alan G.	Reg. No. 25,959	Phillips, Bryan K.	Reg. No. P-46,990
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Chiapetta, James R.	Reg. No. 39,634	Plunkett, Theodore	Reg. No. 37,209
Clifford, John A.	Reg. No. 30,247	Prendergast, Paul	Reg. No. 46,068
Coldren, Richard J.	Reg. No. 44,084	Pytel, Melissa J.	Reg. No. 41,512
Daignault, Ronald A.	Reg. No. 25,968	Qualey, Terry	Reg. No. 25,148
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
DalGLISH, Leslie E.	Reg. No. 40,579	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.	Reg. No. 36,414	Samuels, Lisa A.	Reg. No. 43,080
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
Epp Ryan, Sandra	Reg. No. 39,667	Scull, Timothy B.	Reg. No. 42,137
France, Robert J.	Reg. No. 40,620	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gould, John D.	Reg. No. 18,223	Sumner, John P.	Reg. No. 29,114
Gregson, Richard	Reg. No. 41,804	Swenson, Erik G.	Reg. No. 45,147
Gresens, John J.	Reg. No. 33,112	Tellekson, David K.	Reg. No. 32,314
Hamer, Samuel A.	Reg. No. 46,754	Trembath, Jon R.	Reg. No. 38,344
Hamre, Curtis B.	Reg. No. 29,165	Tuchman, Ido	Reg. No. 45,924
Harrison, Kevin C.	Reg. No. P-46,759	Underhill, Albert L.	Reg. No. 27,403
Hertzberg, Brett A.	Reg. No. 42,660	Vandenburgh, J. Derek	Reg. No. 32,179
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Karrie G.	Reg. No. 43,245
Johnston, Scott W.	Reg. No. 39,721	Welter, Paul A.	Reg. No. 20,890
Kadievitch, Natalie D.	Reg. No. 34,196	Whipps, Brian	Reg. No. 43,261
Karjeker, Shaikat	Reg. No. 34,049	Whitaker, John E.	Reg. No. 42,222
Kastelic, Joseph M.	Reg. No. 37,160	Wickhem, J. Scot	Reg. No. 41,376
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kowalchyk, Alan W.	Reg. No. 31,535	Wu, Tong	Reg. No. 43,361
Kowalchyk, Katherine M.	Reg. No. 36,848	Xu, Min S.	Reg. No. 39,536
Lacy, Paul E.	Reg. No. 38,946	Zeuli, Anthony R.	Reg. No. 45,255
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name HUANG	First Given Name VICTOR	Second Given Name T.
0	Residence & Citizenship	City MOUNDS VIEW	State or Foreign Country MINNESOTA	Country of Citizenship USA
1	Post Office Address	Post Office Address 7309 PARKVIEW DRIVE	City MOUNDS VIEW	State & Zip Code/Country MINNESOTA 55112/USA
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name PANDA	First Given Name FERN	Second Given Name ALANE
0	Residence & Citizenship	City NEW BRIGHTON	State or Foreign Country MINNESOTA	Country of Citizenship USA
2	Post Office Address	Post Office Address 1698 17TH AVENUE NW	City NEW BRIGHTON	State & Zip Code/Country MINNESOTA 55112/USA
Signature of Inventor 202: <i>Fern Alane Panda</i>			Date: <i>10/20/00</i>	
2	Full Name Of Inventor	Family Name ROSENWALD	First Given Name DIANE	Second Given Name RAE
0	Residence & Citizenship	City PLYMOUTH	State or Foreign Country MINNESOTA	Country of Citizenship USA
2	Post Office Address	Post Office Address 4255 COTTONWOOD LANE NORTH	City PLYMOUTH	State & Zip Code/Country MINNESOTA 55441/USA
Signature of Inventor 203: <i>Diane Rae Rosenwald</i>			Date: <i>10/19/00</i>	
2	Full Name Of Inventor	Family Name CHIDA	First Given Name KAMEL	Second Given Name
0	Residence & Citizenship	City EDINA	State or Foreign Country MINNESOTA	Country of Citizenship USA
4	Post Office Address	Post Office Address 5205 BIRCHCREST DRIVE	City EDINA	State & Zip Code/Country MINNESOTA 55436/USA
Signature of Inventor 204: <i>Kamel Chida</i>			Date: <i>10/20/00</i>	